

The present amendment includes a listing of claims (page 6) and the following enclosures: three replacement copies of previously submitted prior art, translations of two foreign language references, three sheets of substitute drawings, and a substitute specification in marked and clean versions.

Also enclosed is a copy of a Power of Attorney authorizing the signing agent to prosecute applications for the assignee of the application before the USPTO.

REMARKS

In the Information Disclosure Statement

The Examiner stated that the information disclosure statement filed 12/22/2004 failed to comply with 37 CFR 1.98(a)(2) for failing to supply a legible copy of each cited foreign patent document.

New copies of the two British and one French citations including a translation of the French abstract are included. In order to supply them in legible form, this response is being mailed instead of faxed. These are the best copies available. Even online versions are not in any better shape.

The Examiner stated that the information disclosure statement filed 2/16/2005 failed to comply with 37 CFR 1.98(a)(3) because it did not include a concise explanation of the relevance of each patent listed that is not in the English language.

Translations of the entire specification for DE 3828798 (excluding the claims) as well as of the second paragraph on page 5 of DE-U 9110360 have been attached to this response. The translated paragraph was the only portion mentioned by the German Examiner without giving any details. Applicants assume that it is due to the conical shape of the drum 10.

In the Drawings

The drawings were objected to under 37 CFR 1.83(a) because the clutch/brake mechanism (Claims 8 and 13) and the common drive element used to synchronously control the filaments brakes (Claim 14) were not shown.

The language of claim 8, which is now canceled, but whose features are now listed in claim 9, was amended to make clear that the clutch mechanism is not part of the invention. Claims 13 and 14 were canceled. Thus a correction of the drawings is not necessary with respect to these elements.

The drawings were further objected to because the lead lines for reference numeral 1 in Figures 1, 2 and 4 did not have arrowheads and because elements that were different from other embodiments were referred to with a different reference character.

Corrected replacement sheets for all figures are included in this submission. They include appropriate arrowheads, lines touching the surfaces of the elements referred to, and renumbered elements 1, 2, and 4, which are different in the subsequent figures compared to Figure 1. To this end, these elements in Figure 2 carry numbers increased by 10, in Fig. 3 increased by 20, and in Fig. 4 increased by 30, versus their counterparts in Fig. 1.

In the Specification

Due to the numerous minor changes throughout the specification, a substitute specification is provided as well in a marked version as in a clean version.

The abstract of the disclosure was objected to by the Examiner because it was deemed unclear how the torque of the drum can be adjusted since it appeared the torque applied to the drum was adjusted.

The abstract has been amended according to the Examiner's suggestion to replace "of" with "applied to" in line 3. Also a sentence was added, taken from the Summary of the Invention to increase the number of words in the abstracts to over 50.

The disclosure was objected to because the same reference number 3 was used to refer to both the drive wheel and the means for adjusting the torque.

The reference number 3 for the means for adjusting the torque was taken out of the description of the drawings so that this number now only refers to the drive wheel.

In the Claims

Claim Objections

Claim 13 was objected to because of the recitation of a spiraling arrangement being unclear and undefined in the specification of the instant application.

Claim 13 has been canceled.

Claim Rejections

Claims 8, 9, and 13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 8, which is now included in claim 9, was amended to replace the term "torque of said drum" with "torque applied to said drum".

In claim 9, it was clarified that the different diameters apply to each one of the intake and run-out regions as opposed to only one.

Claim 13 has been canceled.

Claim 8 was rejected under 35 U.S.C. 102(b) as being anticipated by Elder.

Claim 8 has been canceled.

Claim 9 was rejected under 35 U.S.C. 102(b) as being anticipated by Elder. The intake and run-out regions of different diameters were allegedly anticipated by element 194 as shown in Fig 8.

Applicants respectfully disagree. Element 194 is a drum brake that does not carry any filaments. The grooves alternating with ridges may be heat sinks dissipating the heat generated by the brake friction, or the like. They do not ever get into contact with any of the filaments. Accordingly, there is no intake or run-in. A comparison of Fig. 3 and Fig. 4 of the Elder patent shows that element 194, which is shown in Fig. 3 as a narrowly hatched wheel close to the center of the drawing (a little to the top and to the right) is missing in Fig. 4, where all elements carrying threads are shown to illustrate the path of the filament.

Accordingly, Applicants maintain that claim 9 is patentable over Elder. Thus claim 9 remains unchanged except for formal changes, i.e. the inclusion of the language of newly canceled claim 8 and the clarification of the wording (see above).

Claim 10 was rejected under 35 U.S.C. 102(b) as being anticipated by Elder's Figure 8 and the disclosure stating that the drum is journaled at the right hand end.

Claim 10, has been corrected to depend on claim 9, as claim 8 was canceled. Since claim 9 is deemed patentable by Applicants, claim 10 is assumed to be patentable as well.

Claims 13 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al.

Claims 13 and 14 have been canceled.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Elder as applied to claims 8-10 above, and further in view of Gallini et al.

Claim 11, has been corrected to depend on claim 9, as claim 8 was canceled. Since claim 9 is deemed patentable by Applicants, claim 11 is assumed to be patentable as well.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Aelion et al.

Applicants can agree that Sacks discloses a rotatably journaled drum (20) defining a drum axis with smooth surfaces (20, 22, 24), an ancillary shaft (12) adjacent to the drum inclined to the drum, and a filament (18) wrapped around the drum and shaft. However, Sacks does not disclose a plurality of filaments being wrapped around the drum and shaft.

Applicants have been unable to identify the "Aelion et al." reference since it was only referred to by the applicant's name and was not listed in the Examiner's form PTO-892. A search on the USPTO website by inventor name did now result in any pertinent publications. Applicants respectfully request clarification.

Since this claim rejection cannot be verified at this point in time, claim 12 remains unchanged.